How. Pr. 208; *Wainwright* v. *Harper*, 3 Leigh 292 (Va.); contra: *Altick* v. *Pa. R. Co.*, 9 Lanc. Bar (Pa.) 62; *Morse* v. *Clem*, 4 Pa. Co. Ct. R. 118; *City of Fon du Lac* v. *Bonesteel*, 22 Wis. 242.

PUBLIC OFFICERS—LIABILITY FOR LOSS OF FUNDS—CHECKS INCLUDED IN STATUTE MAKING TREASURER LIABLE FOR "FUNDS OR MONEY."—The board of review of a county of which defendant was treasurer was authorized to issue $100,000 in bonds, the proceeds of which were to be paid to and kept by the treasurer, who should be responsible for the same as for other funds or money of the county. The board of review accepted a bid for the bonds from a bank, and the treasurer accepted a check from the bank in payment, giving a receipt to the board for the amount as the proceeds of the bonds. The treasurer deposited the check in the bank, and shortly afterwards the bank failed. In an action by the county against the treasurer and sureties, *Held*, that "proceeds of sale" and "funds or money" are not limited to coin or bank bills, but include any medium of payment in common use, and the treasurer could lawfully receive a check; that the effect of the transaction was the same as though the treasurer had received coin or bank bills as the proceeds of the bonds, and had deposited them, and that he was liable on his bond for conversion of the money. *Montgomery County* v. *Cochran* (1903), — C. C. A.—, 121 Fed. Rep. 17.

The defense in this case was based solely on the ground that the treasurer could not be held for a breach of his bond to keep safely the proceeds of the sale, because he never received them. However, the court construed the words of the statute, "funds or money," to include the check received by him. *State* v. *Hill*, 47 Neb. 456, 66 N. W. Rep. 541; *State* v. *McFetridge*, 84 Wis. 473, 54 N. W. Rep. 1, 20 L. R. A. 223; *Taylor* v. *Robinson* (D. C.) 34 Fed. Rep. 678, 681. The absolute liability of a public officer for loss of public funds without his fault, though denied by some state courts, is enforced by the supreme court of the United States. See review of cases on this point in I MICHIGAN LAW REVIEW, 557

PUBLIC OFFICERS—REMOVAL BY PRESIDENT.—The office of general appraisers of merchandise was created by act of congress in 1890. Provision was made for the appointment of nine general appraisers by the president, by and with the advice and consent of the senate, and for their removal from office at any time by the president for "inefficiency, neglect of duty, or malfeasance in office." S, who had been one of the appraisers for nine years, was removed by the president without notice of the cause of his removal. In an action brought by him for salary accruing after removal, *Held*, that congress by providing for removal from office for certain causes did not restrict the right to remove to the specified causes, but that the right still inheres in the president to remove at will; that the removal will be presumed to have been made for causes other than those specified by congress, hence no notice and opportunity for hearing were necessary. *Shurtleff* v. *United States* (1903), — U. S. —, 23 Sup. Ct. Rep. 535.

This decision is based upon the reasoning that the power to remove from office is inherent in the power to appoint, unless taken away in unambiguous language, and that congress did not use words sufficiently plain to warrant the court in determining that any intention existed to create what would practically be a life tenure office. By this construction the statute providing for removal means nothing at all, unless, perhaps, it may be said to raise the presumption that the officer was in no way deficient in his duty. As to the general power of removal from office, see MECHEM ON PUBLIC OFFICERS, secs. 445, 450 and 452; *Ex parte Hennen*, 13 Pet. 230; *Parsons* v. *United States*, 167 U. S. 324, 42 L. ed. 185, 17 Sup. Ct. Rep. 880.